

## FACT SHEET

# 2019 TITLE X RULE'S IMPACT

## The Nation's Family Planning Program

For more than 50 years, the Title X (ten) family planning program, the nation's only dedicated source of federal funding for family planning, has provided high-quality, expert family planning services and other preventive health care to people with limited resources. In 2019, the Trump administration finalized restrictions for Title X that have undermined the integrity of the program and diminished patients' access to the family planning and sexual health services. Fortunately, relief is in sight, with the Biden administration in the process of finalizing new regulations to restore the program. Until that time, the Trump administration's rules remain in effect.

## WHAT IS THE 2019 RULE?

- On March 4, 2019, the Trump administration published a final rule, "Compliance with Statutory Program Integrity Requirements," that drastically altered the requirements for providers that participate in the program.<sup>1</sup>
- Although the rule was intended to target abortion-related activities and providers that offered abortion care in addition to Title X-supported services, the impact of the rule was felt in health centers and communities across the country, regardless of provider type.<sup>2</sup>

## HOW DID THE 2019 RULE IMPACT THE NETWORK?

- The Title X network experienced dramatic changes following implementation of the rule in July 2019. Earlier that year, OPA awarded 90 grants to 88 entities across the country.<sup>3</sup> However, following implementation of the rule, 18 grantees, overseeing 19 grants, withdrew from the program rather than comply with the rule's restrictions.<sup>4</sup> OPA redistributed the returned funds through several routes, including supplemental awards given to 50 existing grantees in September 2019,<sup>5</sup> new grants to five entities in September 2020, and an allocation of \$160,000 to every existing grantee in September 2020 to support data and technology needs.<sup>6</sup>
- Prior to the implementation of the Title X rule, nearly 4,000 health centers provided Title X-supported services in every state, territory, and the District of Columbia. When the rule went into effect, more than 1,000 health centers left the program (including all

participating Planned Parenthood affiliates), either on their own or as part of a grantee's withdrawal from Title X.<sup>7</sup> In 2021, OPA shared that only 2,600 health centers remain in the program, compared to almost 4,000 in 2018.<sup>8</sup>

- For nearly two years, six states have had no Title X-supported health centers, including Hawaii, Maine, Oregon, Utah, Vermont, and Washington. Another 10 states had dramatic reductions in the number of available providers due to grantees withdrawing from the program in 2019, and only three of those states saw increases in service sites from the September 2020 awards. OPA announced in March 2021 that it did not anticipate beginning the next grant process until December 2022.<sup>9</sup>
- OPA data from 2019 show that only 3.1 million people received Title X-supported services that year, down 21% from 2018, despite the rule only being in effect for five months that year. This sharp decrease in people served by the program resulted in almost 2 million fewer family planning visits, almost 270,000 fewer cancer screenings performed, and 1.5 million fewer sexually transmitted infection and HIV tests conducted.<sup>10</sup> Even more alarmingly, preliminary data from 2020 show that only 1.5 million people received Title X-supported services that year, compared to almost 4 million just two years earlier.<sup>11</sup>

## WHAT COMES NEXT FOR TITLE X?

- On January 28, 2021, President Biden signed a presidential memorandum calling on HHS to review the Title X rule "as soon as practicable."<sup>12</sup> On March 18, HHS announced it had completed that review and would be issuing a Notice of Proposed Rulemaking (NPRM) to propose revised regulations that were "substantially similar" to those finalized in 2000.<sup>13</sup> The NPRM was published in the *Federal Register* on April 15, 2021, and the comment period closed on May 17.<sup>14</sup> HHS anticipates finalizing the rule by fall 2021.<sup>15</sup>
- The NPRM proposed rescinding the Trump administration's regulation and instating regulations that comport with most of the policies in place 2000-2019, though with a new emphasis on health equity, additional definitions, additional clarity on billing matters, and clear references to the importance of non-physician clinicians. If finalized as written, the regulation would allow the program to begin the process of rebuilding from the damage of the past two years.
- Title X received \$50 million in one-time funding in The American Rescue Plan in recognition of the increased need for these critical health services during the COVID-19 pandemic.<sup>16</sup> These funds have not yet been distributed, as regions of the country with the greatest unmet need for Title X services are also in areas in which previous grantees withdrew from Title X in wake of the Trump administration's program rule. These funds, along with FY 2022 appropriations, will likely be distributed through OPA's next grant process, which is expected to begin in late 2021.<sup>17</sup>

1. Office of the Assistant Secretary for Health, Office of Secretary, US Department of Health and Human Services, "Compliance with Statutory Program Integrity Requirements," *Federal Register* 84 (March 4, 2019): 7714-7791.
2. "To the Last Hour of the Last Day," National Family Planning and Reproductive Health Association (April 2021). <https://www.nationalfamilyplanning.org/file/To-the-Last-Hour-of-the-Last-Day.pdf>.
3. "HHS Awards Title X Family Planning Services Grants," Office of Population Affairs (March 29, 2019). <https://opa.hhs.gov/about/news/grant-award-announcements/hhs-awards-title-x-family-planning-service-grants>.
4. Christina Fowler et al, "Family Planning Annual Report: 2019 National Summary," Office of Population Affairs (September 2020). <https://opa.hhs.gov/sites/default/files/2020-09/title-x-fpar-2019-national-summary.pdf>.
5. "HHS Issues Supplemental Grant Awards to Title X Recipients," Office of Population Affairs (September 30, 2019). <https://opa.hhs.gov/about/news/grant-award-announcements/hhs-issues-supplemental-grant-awards-title-x-recipients>.
6. "OPA Awards \$8.5 Million in Grants to Family Planning Services in Unserved and Underserved Areas," Office of Population Affairs (September 18, 2020). <https://opa.hhs.gov/about/news/grant-award-announcements/opa-awards-85-million-grants-family-planning-services-unserved>.
7. Ruth Dawson, "Trump Administration's Domestic Gag Rule Has Slashed the Title X Network's Capacity by Half." (February 26, 2020). Guttmacher Institute. <https://www.guttmacher.org/article/2020/02/trump-administrations-domestic-gag-rule-has-slashed-title-x-networks-capacity-half#>.
8. Office of Population Affairs, "OPA celebrates 50 years of the Title X Program!," US Department of Health and Human Services (November 2020). <https://opa.hhs.gov/about/news/e-updates/opa-celebrates-50-years-title-x-program>.
9. Office of Population Affairs. "Office of Population Affairs Statement on Proposed Revision of Title X Regulations." US Department of Health and Human Services (March 18, 2021). <https://opa.hhs.gov/about/news/opa-newsroom>.
10. Fowler, 2020.
11. Office of the Assistant Secretary for Health, Office of Secretary, US Department of Health and Human Services, "Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services," 86 *Federal Register* 19812, 19817 (April 15, 2021).
12. President Joseph Biden. "Memorandum on Protecting Women's Health at Home and Abroad." The White House (January 28, 2021). <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/28/memorandum-on-protecting-womens-health-at-home-and-abroad/>.
13. Office of Population Affairs, March 2021.
14. "Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services."
15. Office of Population Affairs, March 2021.
16. *The American Rescue Plan Act of 2021*. Public Law 117-2, *U.S. Statutes at Large* 135 (2021).
17. Office of Population Affairs, March 2021.